

# City of La Verkin

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## La Verkin City Council Meeting Minutes

Wednesday, February 4, 2015 6:00 p.m.

Council Chambers, 111 S. Main, LaVerkin, Utah

**Present:** Mayor Kerry Gubler; Council-Members: Brandon Stephenson, Richard Hirschi, Ken Hooten, Randy Reeve, and Chantelle Browning; Staff: Kyle Gubler, Derek Imlay, Troylinn Benson, Kevin Bennett, Chief Ben Lee, and Christy Ballard; Public: John & Rose Valenti, Blair Gubler, Carson Farish, Jason Bennett, Leo Wright, Jacob Poulsen, Josh Leavenworth, Preston Clyde, Zach Stackhouse, Walker Winder, and Tisen Mastin.

**A. Called to Order** – Invocation and the Pledge of Allegiance was given by Kyle Gubler at 6:00 pm.

Mayor Gubler recognized Scout Troop 355 in attendance.

### **B. Presentation:**

1. Youth City Council-Local Officials Day at the Legislator

Jason Bennett is the YCC Mayor and Carson Farish is over activities.

Jason explained the different activities they were able to attend and some of the things he learned.

Representative Brad Last gave the group a personal tour of the State Capital Building. Jason thanked the Mayor and Councilmembers.

Carson thanked the Mayor and Councilmembers for the opportunity.

*Councilman Brandon Stephenson arrived at 6:06pm.*

**C. Consent Agenda:** (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Amended Agenda
3. Minutes: January 7, 2015 regular meeting minutes
4. Review Invoices and Checks: \$186,154.61

**Motion was made by Councilwoman Chantelle Browning to approve the consent agenda as written including the January 7, 2015 regular meeting minutes and the checks and invoices in the amount of \$186,154.61 second by Councilman Brandon Stephenson. Roll Call Vote: Reeve-yes, Hooten-yes, Stephenson-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.**

### **D. Committee Reports:**

1. Planning Commission-Councilman Hirschi reported they are discussing the zoning and permitted uses in the Downtown area, particularly allowing apartments above businesses. They also recommended setting a public hearing for an ordinance dealing with vacation rentals and bed and breakfasts.
2. Water Board-The next meeting is in February.
3. Sewer Board-Blair reported several items on their agenda dealt with septic tanks on smaller lots. Ash Creek has done extensive work on nitrates in the water. The developers that have requested the smaller lot size need to agree to install one of the systems Ash Creek has approved that reduce the amount of nitrates in the water.

Ash Creek will continue to work through this and putting together a monitoring schedule.  
A six-lot subdivision was approved by Leeds and it will fall under this requirement.  
Darwin Hall announced his retirement. He will resign on June 30, 2015.

4. Fire District-Mayor Gubler reported Hurricane will be back in the District in June.  
Kyle reported he did get the grant application submitted for the extension to our fire station.

**E. Citizen Comment & Request for Future Agenda Items:**

No comments were made.

**F. Business:**

1. Presentation, discussion and possible action of Capital Improvement Priority List.  
Mayor Gubler read the suggested priority list and briefly explained the projects, as needed.

Councilwoman Browning mentioned she gets many complaints about the dilapidated buildings along State Street and suggested moving item #10 higher on the list. She feels this item is more important than pickle ball courts, item #7.

Kyle reported an offer was made on one of those dilapidated properties, so hopefully it will be improved soon.

He also mentioned the City could use the new RAP Tax on pickle ball courts to help fund that project.

Mayor Gubler asked if the Councilmembers would like to move item #10 up to item #7, bumping everything down.

It was decided to move State Street Beautification up to #7.

The Mayor and Councilmembers would like to review the Capital Improvement Priority List quarterly once the changes discussed are made.

Councilman Hirschi asked if the Irrigation System should be further up the list.

Derek replied the cost is why it is so low on the list. A study was done to find out the expense of moving the irrigation system out of backyards and put into the road for easier access. It will cost three and a half million dollars to do that project.

2. Discussion and possible action to approve Ordinance No. 2015--01; An ordinance amending Section 7-5A-1.K of the La Verkin City Code (regarding the possession of firearms, et al., in public parks) to make it consistent with State law.

Kevin had a new copy of the ordinance for the Councilmembers that corrected a typo.

The City received a letter from The Second Amendment Foundation, an organization promoting gun laws. Laws not to restrict use but allegedly to bring communities more in line with what the Second Amendment intended them to be. Kevin stated they have had some influence with the Legislature in the past in changing gun laws.

La Verkin City's current Park Ordinance has some restrictions in it that caught the attention of this group that brought about the letter. In the letter, they did threaten to sue the City and they currently do have at least 30 ongoing lawsuits. Forty-three other cities in Utah received the same letter and Kevin tried to make contact with them to see how they were going to handle it. Some immediately repealed what bothered the group, some isolated the possession only, and others decided to ignore the letter.

Kevin agreed with the group that our ordinance does go beyond what we can do in the Park.

The new ordinance brings La Verkin in line with the State of Utah and cleans up the restrictions on knives, archery, and bb/pellet guns that we currently have.

This ordinance makes it illegal to discharge a firearm in the Park unless you are a police officer or it is justified under the self-defense provisions of the State Law.

Councilman Hirschi asked if the Boy Scouts wanted to have an activity at the Park with archery or bb guns could they do it.

Kevin replied with this ordinance we would not be restricting it but they do need to do it in a safe manner. They cannot put anyone's life at risk.

**Motion was made by Councilman Richard Hirschi to approve Ordinance No. 2015-01; an ordinance amending Section 7-5A-1.K of the La Verkin City Code to make it consistent with State Law and providing an effective date, second by Councilman Randy Reeve. Motion carried unanimously.**

#### **G. Staff, Mayor & Council Reports:**

*City Administrator- Kyle Gubler*

Kyle emailed his report to the Councilmembers.

The Easter Egg Hunt will be Saturday, April 4<sup>th</sup>.

The Stage Coach Grill is moving forward.

The need to fund roads was an issue discussed at DTEC. The City, State, and County are all facing the problem of not having enough funding for roads. There have been four different ideas presented, as ways to get that funding for Washington County, none of them are very popular. One; is to raise the sales tax a quarter percent in 2016, two; a five cent per gallon increase to the gasoline tax beginning in 2016 and increasing every seven years, three; five dollar increase when registering a new vehicle beginning in 2018, four; quarter percent sales tax increase beginning in 2020.

Another suggestion was a fuel increase of ten cents per gallon for gasoline and five cents for diesel, to help the trucking industry.

The point was brought up of alternate fuel vehicles that are still using the roads and need to do their part. February 10<sup>th</sup> is the Transportation Expo at the Dixie Center.

*Public Safety- Chief Ben Lee*

The animal clinic the City had Dr. Bice do went very well. Dr. Wittwer's will be February 28<sup>th</sup>.

There is potential for a second video system or additional body cameras from the Highway Safety Office.

The police department received eight DUI shifts this quarter.

The Code Enforcement Officer is doing well and has been very busy. Chief has met with Washington City to see how they run their code enforcement.

La Verkin will be hosting a Safety Fair on April 25<sup>th</sup> at the City Park.

There will be two crossing guards in the morning whenever possible.

Councilman Hooten has noticed the children are not using the sidewalks, particularly on Center Street. One 300 West most kids walk on the east side of the street. The Valley Academy bus drops the children off on the North side of Center Street in the parking lot and those children don't want to use the cross walk. Councilman Hooten suggested having the principal from the elementary school have an assembly discussing safety.

*Director of Operations-Derek Imlay*

Ashley Averett started back to work Monday.

The drain line project on 200 North is taking longer than expected. The drain line split along the seam on both sides. They also found the water was running north instead of south so they had to recut the drop box on the north side to accommodate the slope and get the water running in the right direction.

There was also a covert that comes across the street and ties into the line that had to be torn out.

Derek thanked Councilman Stephenson and Kyle for handling the Road Maintenance Project. The bid opening for that will be on February 10<sup>th</sup>. The project should start the first or second week in March. The irrigation water will be back in the system March 2<sup>nd</sup> to verify any breaks and flush the system so it will be ready by the 15<sup>th</sup>.

Derek attended the WCWCD meeting. Ron Whitehead reported we are 71% through the water-collecting period but we only have 51% of the snow pack. The weather has been warm enough the snow is already melting and the District is already looking at making a call on the River at the start of the season. The school is actively pursuing the Main Street extension that will take Main Street down past their property.

Staff is working on the paper work to bring to the City Council on adopting the newest building code that will help us deal with the dilapidated buildings.

*Treasurer-Troylinn Benson*

Passed out the quarterly financials. It shows prior, actual, and current year.

*Mayor Gubler*

The half-day holiday mentioned in earlier meetings will be called La Verkin City Founders Day. It will be an annual event held on the third Saturday in March. This year it will be the end of April so there is enough time to plan everything. There is a woman in the community who is the daughter of one of the first permanent settlers of La Verkin and he thought it would be a good idea to recognize her, if the Council decides to move forward with this holiday.

The activities could include a Mayors hike, a soapbox derby, and softball game with homemade ice cream, soda crackers, and molasses candy for treats. He would also like to get Governor Herbert to attend.

Councilman Reeve could be in charge of the committee since he is the councilmember over activities. We would also need suggestions for committee members.

Mayor Gubler asked for the Councilmembers thoughts on this idea.

Councilman Reeve wondered about the cost of the activity and the budget.

Mayor Gubler said there is some money available this year from different areas and next year it would be included in the budget. He was thinking \$1,500 this year, depending on the activities decided on.

Councilman Hooten is in favor of the holiday. He feels the citizens would enjoy it and it is good to honor the founders.

Councilwoman Browning mentioned that Sorghum Days didn't work out very well. She feels if we decide to have Founders Day, we need to start with a great celebration that people enjoy and wondered if fireworks could be an option.

Mayor Gubler agreed with needing to make it a great experience and thought having the Governor attend would be a great kick off.

The first LDS ward was established in La Verkin in 1904 and the first settlers arrived 4-5 years before that. The woman he would like to honor, her father, was the first "mayor" of La Verkin.

Councilman Hirschi is in favor of the holiday.

Councilman Reeve agrees with Councilwoman Browning that if the holiday is going to happen, we need to keep the budget low but be willing to make it a great celebration so people remember it next year.

Mayor Gubler wondered what the Councilmembers felt was an appropriate budget for this year.

Kyle said the activities suggested for Founders Day should be inexpensive. Advertising is the biggest expense for Winterfest and fireworks are the second. He also mentioned La Verkin has done a free breakfast before for different celebrations and that has always drawn a big crowd.

Mayor Gubler would like to get the Councilmembers opinion and then if needed, have Kyle look at the current budget to see what can feasibly be used for the celebration and have Kevin put together the proclamation declaring La Verkin City Founders Day.

All Councilmembers agreed that Founders Day was a good idea.

*Browning*

Thanked Christy and Kevin for taking the Youth City Council to the Legislature Day.

*Hirschi*

Nothing to report.

*Stephenson*

He received a call from a citizen inviting him to come to his home at 5:30am to listen to the amount of noise coming from Cross Fit Blackridge. It was loud and something does need to be done about it. Chief Lee will look into it.

*Hooten*

Nothing to report.

*Reeve*

Solid Waste has a meeting on Monday and one of the topics will be curbside recycling. He would like input from the Council as to which way they think La Verkin would like to go. Solid Waste is proposing a \$3-4 dollar increase to pick up individual recycling at the curb with a one-time opt out for each residence. If a person were to move or build a new home, they would automatically be enrolled in the program. The cities will be able to state their opinions. Councilman Reeve will not be able to attend and has asked Kyle Gubler to cover for him. Kyle will not be able to vote but can express the City's opinion.

Councilman Hirschi asked if the binnes are sufficient.

Councilman Reeve stated the binnes do subsidize the City and they would be removed if curbside became available.

He feels the item should be tabled at this time. He doesn't think the community is ready for it. It is another \$4 tax.

Kevin pointed out when La Verkin tried to raise the water rates by one dollar the meeting was packed with people against it. This is basically a rate increase. Solid Waste is not going to take any more of your waste but now you get to pay the privilege tax and have the privilege of separating the waste. He likes the binnes, he feels that he is doing his part to help the community and La Verkin sees money from them for Tree City USA to plant trees.

Councilman Reeve stated Commissioner Iverson told him that citizens have the opportunity right now to have curbside recycling; it costs \$9-10.

Councilman Stephenson and Councilman Hirschi are not in favor of the program.

Councilmember Browning feels that recycling is a good thing but doesn't feel rates should be raised.

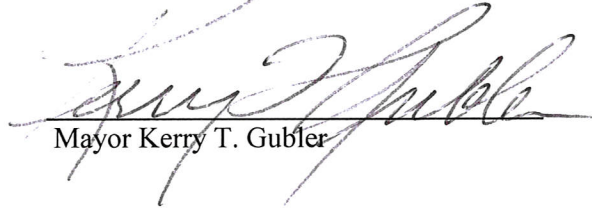
Kyle will let the Solid Waste Board know what has been discussed here.

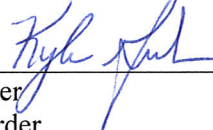
**H. Adjourn:**

**Motion was made by Councilman Ken Hooten to adjourn, second by Councilman Brandon Stephenson. Motion carried unanimously at 7:21pm.**

Minutes were taken on behalf of the City Recorder by Christy Ballard.

February 18, 2015  
Date Approved

  
Mayor Kerry T. Gubler

ATTEST:   
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Kyle Gubler  
City Recorder